

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF CROATIA
CONCERNING COOPERATION IN THE AREA OF THE PREVENTION OF
PROLIFERATION OF WEAPONS OF MASS DESTRUCTION, AND THE
PROMOTION OF DEFENSE AND MILITARY RELATIONS**

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF CROATIA, HEREINAFTER REFERRED TO AS THE PARTIES,

WITH A VIEW TO COUNTERING THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION, AND TECHNOLOGY, MATERIALS, AND EXPERTISE RELATED TO SUCH WEAPONS;

DESIRING TO PREVENT THE UNAUTHORIZED TRANSFER AND TRANSPORTATION, INCLUDING TRANSIT, OF NUCLEAR, BIOLOGICAL, AND CHEMICAL WEAPONS AND RELATED MATERIALS, TECHNOLOGY AND EXPERTISE;

DESIRING TO PROMOTE COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF CROATIA IN THE AREA OF DEFENSE AND MILITARY RELATIONS;

HAVE AGREED AS FOLLOWS:

ARTICLE I

THE GOVERNMENT OF THE UNITED STATES OF AMERICA MAY, AS APPROPRIATE, ASSIST THE GOVERNMENT OF THE REPUBLIC OF CROATIA IN ACHIEVING THE FOLLOWING OBJECTIVES:

- (A) COUNTERING THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION FROM THE REPUBLIC OF CROATIA, AND TECHNOLOGY, MATERIALS, AND EXPERTISE RELATED TO SUCH WEAPONS;
- (B) PREVENTING THE UNAUTHORIZED TRANSFER, INCLUDING TRANSIT AND TRANSPORTATION, OF NUCLEAR, BIOLOGICAL OR CHEMICAL WEAPONS AND RELATED MATERIALS, TECHNOLOGY AND EXPERTISE;
- (C) PROMOTING DEFENSE AND MILITARY RELATIONS, INCLUDING BUT NOT LIMITED TO, REGULAR MEETINGS BETWEEN SENIOR AND MID-LEVEL MILITARY OFFICIALS, VISITS AND EXCHANGES AND OTHER BILATERAL CONTACT ACTIVITIES;
- (D) SUCH OTHER OBJECTIVES RELATED WITH THIS AGREEMENT AS ARE MUTUALLY AGREED IN WRITING BY THE PARTIES.

ARTICLE II

- 1. THE PARTIES, THROUGH THEIR EXECUTIVE AGENTS, MAY ENTER INTO IMPLEMENTING AGREEMENTS OR ARRANGEMENTS AS APPROPRIATE TO ACCOMPLISH THE OBJECTIVES SET FORTH IN ARTICLE I OF THIS AGREEMENT.
- 2. IN CASE OF ANY INCONSISTENCY BETWEEN THIS AGREEMENT AND ANY IMPLEMENTING AGREEMENTS OR ARRANGEMENTS, THE PROVISIONS OF THIS AGREEMENT SHALL PREVAIL.

ARTICLE III

EACH PARTY SHALL DESIGNATE AN EXECUTIVE AGENT TO IMPLEMENT THIS AGREEMENT. FOR THE GOVERNMENT OF THE REPUBLIC OF CROATIA, THE EXECUTIVE AGENT SHALL BE THE MINISTRY OF DEFENSE, UNLESS THE GOVERNMENT OF THE REPUBLIC OF CROATIA OTHERWISE NOTIFIES THE GOVERNMENT OF THE UNITED STATES OF AMERICA. FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA, THE EXECUTIVE AGENT SHALL BE THE DEPARTMENT OF DEFENSE, UNLESS THE GOVERNMENT OF THE UNITED STATES OF AMERICA OTHERWISE NOTIFIES THE GOVERNMENT OF THE REPUBLIC OF CROATIA.

ARTICLE IV

EXCEPT AS OTHERWISE PROVIDED IN THIS AGREEMENT OR IN AN IMPLEMENTING AGREEMENT, THE TERMS OF THIS AGREEMENT SHALL APPLY TO ALL EQUIPMENT, SUPPLIES, MATERIAL OR OTHER GOODS, TECHNOLOGY, TRAINING OR SERVICES PROVIDED IN ACCORDANCE WITH THIS AGREEMENT OR IMPLEMENTING AGREEMENTS, AND TO ALL RELATED ACTIVITIES AND PERSONNEL. ALL EQUIPMENT, SUPPLIES, MATERIAL OR OTHER GOODS, TECHNOLOGY, TRAINING OR SERVICES PROVIDED IN ACCORDANCE WITH THIS AGREEMENT SHALL BE USED EXCLUSIVELY FOR THE PURPOSES FOR WHICH THEY ARE PROVIDED BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

ARTICLE V

1. THE GOVERNMENT OF THE REPUBLIC OF CROATIA SHALL FACILITATE THE ENTRY AND EXIT OF EMPLOYEES OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND CONTRACTOR PERSONNEL OF THE UNITED STATES OF AMERICA INTO AND OUT OF THE TERRITORY OF THE REPUBLIC OF CROATIA FOR THE PURPOSE OF CARRYING OUT ACTIVITIES IN ACCORDANCE WITH THIS AGREEMENT.
2. AIRCRAFT AND VESSELS, OTHER THAN REGULARLY SCHEDULED COMMERCIAL AIRCRAFT AND VESSELS, USED BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA IN CONNECTION WITH ACTIVITIES PURSUANT TO THIS AGREEMENT IN THE REPUBLIC OF CROATIA SHALL BE FREE OF CUSTOMS INSPECTIONS, CUSTOMS CHARGES, LANDING FEES, NAVIGATION CHARGES, PORT CHARGES, TOLLS, AND ANY OTHER CHARGES ASSESSED ON THE TERRITORY OF THE REPUBLIC OF CROATIA.
3. IF AN AIRCRAFT OTHER THAN A REGULARLY SCHEDULED COMMERCIAL AIRCRAFT IS USED BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR TRANSPORTATION TO THE REPUBLIC OF CROATIA, ITS FLIGHT PLAN SHALL BE FILED IN ACCORDANCE WITH THE PROCEDURES OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION APPLICABLE TO CIVIL AIRCRAFT, INCLUDING IN THE REMARKS SECTION OF THE FLIGHT PLAN A CONFIRMATION THAT THE APPROPRIATE CLEARANCE HAS BEEN OBTAINED WITH PRIOR NOTIFICATION, THE GOVERNMENT OF THE REPUBLIC OF CROATIA SHALL PROVIDE, AT NO EXPENSE TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA, PARKING, SECURITY PROTECTION, AND SERVICING (FUEL, FOOD AND WATER SUPPLYING, WASTE TREATMENT) FOR AIRCRAFT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

ARTICLE VI

UNLESS THE WRITTEN CONSENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA HAS FIRST BEEN OBTAINED, THE GOVERNMENT OF THE REPUBLIC OF CROATIA SHALL NOT TRANSFER TITLE TO, OR POSSESSION OF, ANY EQUIPMENT, SUPPLIES, MATERIAL OR OTHER GOODS, TECHNOLOGY, TRAINING OR SERVICES PROVIDED PURSUANT TO THIS AGREEMENT TO ANY PERSON OR ENTITY, OTHER THAN AN OFFICER, EMPLOYEE, OR AGENT OF A PARTY TO THIS AGREEMENT AND SHALL NOT PERMIT THE USE OF SUCH EQUIPMENT, SUPPLIES, MATERIAL OR OTHER GOODS, TECHNOLOGY, TRAINING OR SERVICES FOR PURPOSES OTHER THAN THOSE FOR WHICH THEY HAVE BEEN FURNISHED. THE GOVERNMENT OF THE REPUBLIC OF CROATIA SHALL TAKE ALL REASONABLE MEASURES WITHIN ITS POWER TO ENSURE THE SECURITY OF EQUIPMENT, SUPPLIES, MATERIAL OR OTHER GOODS, TECHNOLOGY, TRAINING OR SERVICES PROVIDED PURSUANT TO THIS AGREEMENT AND SHALL PROTECT THEM AGAINST SEIZURE OR MISUSE.

ARTICLE VII

1. THE GOVERNMENT OF THE REPUBLIC OF CROATIA SHALL, IN RESPECT OF LEGAL PROCEEDINGS AND CLAIMS, OTHER THAN CONTRACTUAL CLAIMS, HOLD HARMLESS AND INDEMNIFY THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND ITS PERSONNEL, CONTRACTORS, AND CONTRACTORS' PERSONNEL, FOR DAMAGES TO PROPERTY, OR DEATH OR INJURY TO ANY PERSONS IN THE REPUBLIC OF CROATIA, ARISING OUT OF ACTIVITIES UNDER THIS AGREEMENT.
2. THE PROVISIONS OF THIS ARTICLE SHALL NOT PREVENT THE PARTIES FROM PROVIDING COMPENSATION IN ACCORDANCE WITH THEIR NATIONAL LAWS.
3. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PREVENT LEGAL PROCEEDINGS OR CLAIMS AGAINST NATIONALS OF THE REPUBLIC OF CROATIA OR PERSONS ORDINARILY RESIDENT IN THE REPUBLIC OF CROATIA.

ARTICLE VIII

THE ACTIVITIES OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA UNDER THIS AGREEMENT ARE SUBJECT TO THE AVAILABILITY OF APPROPRIATED FUNDS.

ARTICLE IX

MILITARY AND CIVILIAN EMPLOYEES OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA (INCLUDING MEMBERS OF THE ARMED FORCES OF THE UNITED STATES OF AMERICA) PRESENT IN THE TERRITORY OF THE REPUBLIC OF CROATIA FOR ACTIVITIES RELATED TO THIS AGREEMENT SHALL BE ACCORDED PRIVILEGES AND IMMUNITIES EQUIVALENT TO THOSE ACCORDED ADMINISTRATIVE AND TECHNICAL STAFF PERSONNEL IN ACCORDANCE WITH THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS OF APRIL 18, 1961.

ARTICLE X

1. THE GOVERNMENT OF THE UNITED STATES OF AMERICA, ITS PERSONNEL, CONTRACTORS, AND CONTRACTORS' PERSONNEL SHALL NOT BE LIABLE TO PAY ANY TAX OR SIMILAR CHARGES ASSESSED BY THE GOVERNMENT OF THE REPUBLIC OF CROATIA OR ANY OF ITS INSTRUMENTALITIES OR SUBDIVISIONS IN CONNECTION WITH ACTIVITIES UNDERTAKEN IN ACCORDANCE WITH THIS AGREEMENT.
2. THE GOVERNMENT OF THE UNITED STATES OF AMERICA, ITS PERSONNEL, CONTRACTORS, AND CONTRACTORS' PERSONNEL MAY IMPORT INTO, AND EXPORT OUT OF, THE REPUBLIC OF CROATIA ANY EQUIPMENT, SUPPLIES, MATERIAL OR OTHER GOODS, TECHNOLOGY, TRAINING OR SERVICES REQUIRED TO IMPLEMENT THIS AGREEMENT.

SUCH IMPORTATION AND EXPORTATION OF ARTICLES OR SERVICES SHALL NOT BE SUBJECT TO ANY CUSTOMS INSPECTIONS, AND SHALL BE EXEMPT FROM ANY LICENSE, OTHER RESTRICTIONS, CUSTOMS DUTIES, TAXES OR ANY OTHER CHARGES ASSESSED BY THE GOVERNMENT OF THE REPUBLIC OF CROATIA OR ANY OF ITS INSTRUMENTALITIES OR SUBDIVISIONS.

ARTICLE XI

IN THE EVENT THAT THE GOVERNMENT OF THE UNITED STATES OF AMERICA AWARDS CONTRACTS FOR THE ACQUISITION OF ARTICLES AND SERVICES, INCLUDING CONSTRUCTION, TO IMPLEMENT THIS AGREEMENT, SUCH CONTRACTS SHALL BE AWARDED IN ACCORDANCE WITH THE LAWS AND REGULATIONS OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA. ACQUISITION OF ARTICLES AND SERVICES IN THE REPUBLIC OF CROATIA BY OR ON BEHALF OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA IN IMPLEMENTING THIS AGREEMENT SHALL NOT BE SUBJECT TO ANY TAXES, CUSTOMS DUTIES OR SIMILAR CHARGES ASSESSED BY THE GOVERNMENT OF THE REPUBLIC OF CROATIA OR ANY OF ITS INSTRUMENTALITIES OR SUBDIVISIONS.

ARTICLE XII

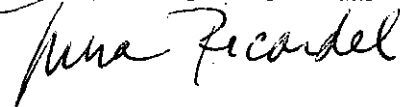
UPON WRITTEN REQUEST PROVIDED THIRTY DAYS IN ADVANCE, REPRESENTATIVES OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA SHALL HAVE THE RIGHT DURING THE PERIOD OF THIS AGREEMENT AND FOR THREE YEARS THEREAFTER, TO AUDIT AND EXAMINE THE USE OF ANY EQUIPMENT, SUPPLIES, MATERIAL OR OTHER GOODS, TECHNOLOGY, TRAINING OR SERVICES PROVIDED IN ACCORDANCE WITH THIS AGREEMENT, AT SITES OF THEIR LOCATION OR USE, AND SHALL HAVE THE RIGHT TO AUDIT AND EXAMINE ALL RECORDS OR DOCUMENTATION RELATED TO THE USE OF EQUIPMENT, SUPPLIES, MATERIAL OR OTHER GOODS, TECHNOLOGY, TRAINING OR SERVICES PROVIDED BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA IN ACCORDANCE WITH THIS AGREEMENT.

ARTICLE XIII

1. THIS AGREEMENT SHALL ENTER INTO FORCE WHEN THE PARTIES NOTIFY EACH OTHER IN WRITING OF HAVING COMPLETED THEIR DOMESTIC LEGAL REQUIREMENTS NEEDED FOR THE ENTRY INTO FORCE OF THE AGREEMENT AND SHALL REMAIN IN FORCE FOR SEVEN YEARS.
2. THIS AGREEMENT MAY BE AMENDED OR EXTENDED BY THE WRITTEN AGREEMENT OF THE PARTIES AND MAY BE TERMINATED BY EITHER PARTY UPON NINETY DAYS WRITTEN NOTIFICATION TO THE OTHER PARTY OF ITS INTENTION TO DO SO. NOTWITHSTANDING THE TERMINATION OF THIS AGREEMENT OR THE IMPLEMENTING AGREEMENTS, THE OBLIGATIONS OF THE GOVERNMENT OF THE REPUBLIC OF CROATIA IN ACCORDANCE WITH ARTICLES VI AND VII OF THIS AGREEMENT SHALL CONTINUE TO APPLY WITHOUT RESPECT TO TIME, UNLESS OTHERWISE AGREED IN WRITING BY THE PARTIES.
3. NOTWITHSTANDING THE TERMINATION OF THIS AGREEMENT OR THE IMPLEMENTING AGREEMENTS, THE RIGHTS OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA UNDER ARTICLE XII SHALL CONTINUE TO APPLY IN ACCORDANCE WITH THE TERMS OF THAT ARTICLE.

DONE AT ZAGREB THIS 4 DAY OF February, 2003, IN DUPLICATE, EACH IN THE ENGLISH AND CROATIAN LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE GOVERNMENT
OF THE UNITED STATES OF AMERICA:



FOR THE GOVERNMENT
OF THE REPUBLIC OF CROATIA:

